

Right to Water or Water Right

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KRuHA

people's coalition for the right to water

www.kruha.org

KRuHA (since 2002) :

water is indispensable for human life and should, therefore, be stewarded by government in the best interests of its citizens. The commercialization of water, according to KRuHA, is morally unjust; it represents the ongoing accumulation of public goods for private (and often foreign) profit, and violates a fundamental human right.

Banten:

Local people's movement versus Danone's lobby

"It's sure that the state takes the side of the industry! In fact, up to this moment, Taufik (the Regent of Serang) is still determined to defend Aqua by refusing to revoke the document that gave permission to build the plant in Padarincang. The government has never bothered to listen to us, despite the fact that we have repeatedly demanded that they close down the Aqua drilling site."

- Azis (a local leader) who spoke during the mobilization, December 5, 2010 -



Water: Constitutional & Human Right

Indonesia's 1945 Constitution :

- Article 28: *Every person shall have the right to develop him/herself through the fulfillment of his/her basic needs..*
- Article 33 : (2) *Sectors of production which are important for the country and affect the life of the people shall be under the powers of the State. (3) **The land, the waters and the natural resources within shall be under the powers of the State and shall be used to the greatest benefit of the people.***

Article 5 of the Indonesia Water Law No.7/2004:

- *"Every Indonesian has the right to water" and it is protected by the rule of Indonesia*




Considering whereas water is res commune, and therefore that has to be subject to the provision of Article 33 Paragraph 3 of the 1945 Constitution, so that the management of water has to be included in the public legal system which cannot be made as the object of ownership in the concept of civil law (the Constitutional Court interpretation on Water Law).



INDONESIA: *MISSMANAGED WATER*

INDONESIA IS ONE OF THE FEW STATES
THAT HAVE ABUNDANT WATER RESOURCES.

INDONESIA POPULATION TODAY IS
ESTIMATED AT 234.2 MILLION, 60.1% OF
THE POPULATION OR ABOUT 121 MILLION IS
LIVING IN JAVA. IT MAKES JAVA AS THE
DENSEST ISLAND BY 103 PEOPLE PER KM².



Aqua Golden Mississippi was established in 1973, sold its shares to French company DANONE on September 4, 1998. With all the confidence that a majority (74 per cent) ownership a stable European company brought to Aqua, it soon released a new product called Aqua DANONE .. delisted from the Indonesia Stock Exchange and became a private company in December 2010



But....

the construction plan was resisted by communities living in the villages surrounding the water resources since 2008 and the plan was postponed.

However, the company keeps approaching the local government till they allowed again operating in 2010; one of the company's efforts was by taking the regent of Serang (the capital of Padarincang) together with governor of Banten Province in a tour to Paris, France where DANONE's central office located.

DANONE also have a very strong lobby within The Investment Coordinating Board and Coordinating Ministry of Economic Affairs, one complaint from DANONE is enough for these two government's ministry to act on behalf of the 'investors', even this is something against Indonesia's doctrine on water as res-commune.

Simple Calculation; Company's profit Vs People's lost

The amount of water to be extracted by Aqua-DANONE would reach 63 liters/second, equivalent to 5.443.200 liters water for a day. While Aqua priced 3000 IDR for a bottle of 1 liter water they sale that means Aqua will gain more than 16 billion IDR (equal to 1.8 million USD) each day just from their operation in Cirahab, Padarincang - Banten alone.

There are more than 6000 hectares of paddy field in Padarincang; 1 hectare can produce about 2.000 kilos of rice for every 4 month or 6000 kilos of rice each year. With the assumption of the rice price of 4000 IDR/kilo, the total income of the farmers will be 12 billion IDR /month (approximately 1.3 million USD). And those figures will be lost once the Aqua-DANONE operates.

3 Approaches: *macro-mezzo-micro*



Indonesia needs an alternative and not just regulation. It is not enough to rearrange the system; transformation of the system is exactly what is needed. Transformation can begin by adopting the perspective of the victim of the prevailing system - which will enable victims to understand and face reality, expressing confidence, and find an alternative articulation of political citizenship.

It is necessary to transforming the current "Water Development" hegemony into water democratization by channeling the 'issue' through political process; sensitize political institutions to the emergency of acknowledging water and sanitation as Human Right.

While responding to these problems is necessary, the need to start on responding these problems lies in the effort to strengthening existing network of an active citizen movement and or a strong civil society.